UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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| GEORGE GUINDON, et al., Plaintiffs v. AMERICAN FOAM CORPORATION, et al., Defendants | C.A. No. 03-335L |

**ANSWER OF DEFENDANT JACK RUSSELL TO PLAINTIFFS' NOTICE OF ADOPTION OF FIRST AMENDED MASTER COMPLAINT AND PRO FORMA COMPLAINT**

**INTRODUCTION**

On or about January 6, 2005, the Plaintiffs in this action (excluding Michelle Spence), George Guindon, *et al.*, (the "Guindon Plaintiffs") filed a Notice of Adoption and Pro Forma Complaint, adopting the First Amended Master Complaint filed in Albert L. Gray, Administrator, et al. v. Jeffrey Derderian, et al., C.A. No. 04-312L (the "Gray Case") in its entirety. The Guindon Plaintiffs have also adopted the additional allegations and claims set forth in Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L (the "Henault Case") in its entirety.

On January 7, 2005, Defendant Jack Russell ("Mr. Russell") filed his Answer to the First Amended Master Complaint in the Gray Case, and hereby adopts and incorporates said Answer in its entirety in response to the Guindon Plaintiffs' Adoption of the First Amended Master Complaint in the Gray Case, including his invocation of the Fifth Amendment Privilege, the Affirmative Defenses and Jury Demand. On February 4, 2005, Mr. Russell filed his Answer to

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the additional allegations and claims filed in the Henault Case and hereby adopts and incorporates said Answer in its entirety in response to the Guindon Plaintiffs' Adoption of the additional allegations and claims of the Henault Case.

## PARTIES

Plaintiffs have also asserted additional allegations identified only as Paragraphs "(260)" through "(280)" in Plaintiffs' Pro Forma Complaint. Mr. Russell responds to these supplemental allegations as follows:

260. - 280. Mr. Russell is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs "(260)" through "(280)", which are either (i) directed to individuals or entities other than Mr. Russell, or (ii) conclusions of law to which no response is required. To the extent that a response is required, should the allegations of these paragraphs be found to concern or relate to any acts or omissions of Mr. Russell (or be otherwise directed toward him), Mr. Russell respectfully invokes his Fifth Amendment Privilege against self-incrimination and declines to respond to those allegations, since the threat of criminal prosecution still exists. Mr. Russell also requests that his assertion of the Fifth Amendment Privilege have the effect of a denial of those allegations.

## JURY DEMAND

Jack Russell demands a trial by jury on all issues so triable.

WHEREFORE, Defendant Jack Russell respectfully requests that:

A. the Plaintiffs' First Amended Master Complaint and the additional allegations and claims set forth in the Henault Complaint, as adopted by the Guindon Plaintiffs, be dismissed with prejudice as to him;

B. Plaintiffs' demands for relief against Defendant Jack Russell be denied in every respect; and

C. the Court grant such other and further relief as may be just, proper and equitable.

JACK RUSSELL

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Dated: February 4, 2005

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2005, I mailed a true copy of the within Answer of Defendant Jack Russell to Plaintiffs' Notice of Adoption of First Amended Master and Pro Forma Complaint via e-mail on all counsel of record listed on the attached service list.

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